

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (S) No. 5518 of 2019**

1. Dhana Ram Rai S/o Shri Shankar Lal Rai Aged About 45 Years Working As Teacher (Nagriya Nikay) And Posted At Govt. Girls Middle School Akaltara, Balock Akaltara, District Janjgir Champa Chhattisgarh.
2. Navin Kumar Vishwakarma S/o Late Shri Ramnarayan Vishwakarma, Aged About 38 Years Working As Lecturer (Nagriya Nikay) And Posted At Govt. Boys Higher Secondary School Akaltara, Block Akaltara District Janjgir Champa Chhattisgarh

**---- Petitioners****Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of School Education, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
2. The Secretary Department Of Urban Administration, Mahanadi Bhawan, Mantralaya, Naya Raipur, District Raipur Chhattisgarh.
3. Chief Municipal Officer Municipal Council Akaltara, District Janjgir Champa Chhattisgarh.
4. District Education Officer Janjgir Champa District Janjgir Champa Chhattisgarh

**---- Respondents**


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|-----------------|---|---------------------------------|
| For Petitioners | : | Shri Ajay Shrivastava, Advocate |
| For State       | : | Mr. P. Acharya, Panel Lawyer    |

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**Hon'ble Shri Justice Goutam Bhaduri****Order on Board****30.07.2019**

1. The grievance of the petitioners in the present writ petition is the non-acceptance of the past service rendered by the petitioners as **Assistant Teacher (P)** by the respondents for the purpose of absorption in the Education Department.
2. The details of the initial appointment of and petitioners and the

subsequent appointment and the post against which they were appointed on two occasions are reflected in the chart as produced below:

| Petitioners' Name | Date of Initial Appointment                                                       | Second appointment and joining date                                | Date of Subsequent Appointment       | Joining date |
|-------------------|-----------------------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------|--------------|
| No.1              | 07.10.2008<br>SK-3 at<br>Janpad<br>Panchayat                                      | 14.10.2008                                                         | 25.01.14<br>SK-2 at<br>Nagriya Nikay | 31.01.14     |
| No.2              | 16.06.2005<br>SK-3 at<br>Janpad<br>Panchayat<br>and he<br>joined on<br>25.06.2005 | 14.09.11 SK-1<br>at Zila<br>Panchayat<br>and joined on<br>28.09.11 | 03.01.12<br>SK-1 at<br>Nagriya Nikay | 04.01.12     |

Note: S.K. (Shiksha Karmi)

3. For the purpose of grant of revised pay scale, the State Govt. has taken the past service rendered as [Assistant Teacher \(P\)](#) of the petitioners and has granted the benefit of revised pay scale on completion of 8 years service starting from the time when the petitioners were initially appointed as [Assistant Teacher \(P\)](#).
4. The grievance of the petitioners now is that though the Department has accepted the past service of the petitioners for the purpose of revised pay scale but for the purpose of counting the total length of service for absorption in the Education Department, the past service is not being considered.
5. This Court does not find any strong reason or ground on the part of the Department for not accepting the past service of the petitioners for the purpose of absorption particularly when the department has counted

the past service for the purpose of grant of revised pay scale.

6. Given the aforesaid fact, let the case of the petitioners be scrutinized by respondents 1 & 2 and an appropriate order be passed as to why the past service of the petitioners cannot be counted for the purpose of absorption when the Department itself has counted the said period for the purpose of revised pay scale. Let an order be passed by respondents 1 & 2 within a period of 90 days from the date of receipt of copy of this order. It shall be the responsibility of the petitioners to apprise respondents 1 & 2 so far as the order passed by this Court is concerned. The petitioners would be at liberty to file a suitable representation, if they so want, supported with all relevant documents.
7. With the aforesaid observation, the writ petition stands disposed of.

**Sd/-**  
**(Goutam Bhaduri)**  
**JUDGE**

Ved